

**BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**Ira Lubell, M.D., President  
Division of Medical Quality**

DANIEL E. LUNGREN, Attorney General  
of the State of California  
GAIL M. HEPPELL  
Supervising Deputy Attorney General  
1300 I Street, Suite 125  
P. O. Box 944255  
Sacramento, California 94244-2550  
Telephone: (916) 324-5336

Attorneys for Complainant

BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation	)	Case No. 16-97-79565
Against:	)	
MAURICE MILTON CULVER, M.D.	)	<b>STIPULATED DECISION</b>
5608 Crest Creek Drive	)	<b>AND</b>
Jacksonville, FL 32258	)	<b><u>DISCIPLINARY ORDER</u></b>
California Physician's and Surgeon's	)	
Certificate No. GFE-53021	)	
Respondent.	)	

**IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-entitled proceedings that the following matters are true:

1. An Accusation in case number 16-97-79565 was filed with the Division of Medical Quality, of the Medical Board of California Department of Consumer Affairs (the "Division") on May 8, 1998, and is currently pending against Maurice Milton Culver, M.D. (the "respondent").

1           2.    At all times relevant herein, respondent has been  
2 licensed by the Medical Board of California under Physician and  
3 Surgeon's Certificate No. GFE-53021, issued by the Board to  
4 respondent on or about July 16, 1984. Said certificate is valid  
5 with an expiration date of December 31, 1999.

6           3.    The Accusation, together with all statutorily  
7 required documents, was duly served on the respondent on or about  
8 May 8, 1998, and respondent filed his Notice of Defense  
9 contesting the Accusation on or about June 2, 1998. A copy of  
10 Accusation No. 16-97-79565 is attached as Exhibit "A" and hereby  
11 incorporated by reference as if fully set forth.

12           4.    The Complainant, Ronald Joseph, is the Executive  
13 Director of the Medical Board of California and brought this  
14 action solely in his official capacity. The Complainant is  
15 represented by the Attorney General of California, Daniel E.  
16 Lungren, by and through Supervising Deputy Attorney General, Gail  
17 M. Heppell.

18           5.    Respondent is not represented in this matter,  
19 however, respondent has received and read Accusation No. 16-97-  
20 79565 and fully understands his legal rights and the effects of  
21 this stipulation.

22           6.    Respondent understands the nature of the charges  
23 alleged in the Accusation and that, if proven at hearing, the  
24 charges and allegations would constitute cause for imposing  
25 discipline upon his certificate. Respondent is fully aware of  
26 his right to a hearing on the charges contained in the  
27 Accusation, his right to confront and cross-examine witnesses

1 against him, his right to the use of subpoenas to compel the  
2 attendance of witnesses and the production of documents in both  
3 defense and mitigation of the charges, his right to  
4 reconsideration, appeal and any and all other rights accorded by  
5 the California Administrative Procedure Act and other applicable  
6 laws. Respondent knowingly, voluntarily and irrevocably waives  
7 and gives up each of these rights.

8           7. In order to avoid the expense and uncertainty of a  
9 hearing, respondent freely and voluntarily waives each and every  
10 one of these rights set forth above and admits the truth of the  
11 allegations contained in paragraphs 4 and 4(A) of Accusation No.  
12 16-97-79565. Respondent agrees that cause exists to discipline  
13 his certificate pursuant to Business and Professions Code section  
14 141. Respondent agrees to be bound by the Division's  
15 Disciplinary Order as set forth below.

16           8. Based on the foregoing admissions and stipulated  
17 matters, the parties agree that the Division shall, without  
18 further notice or formal proceeding, issue and enter the  
19 following order:

20                           **DISCIPLINARY ORDER**

21           IT IS HEREBY ORDERED that Physician's and Surgeon's  
22 Certificate number GFE-53021 issued to Maurice Milton Culver,  
23 M.D., is revoked. However, such revocation is stayed and  
24 respondent is placed on probation for five (5) years with the  
25 following terms and conditions. Within 15 days after the  
26 effective date of this decision the respondent shall provide the  
27 Division, or its designee, proof of service that respondent has

1 served a true copy of this decision on the Chief of Staff or the  
2 Chief Executive Officer at every hospital where privileges or  
3 membership are extended to respondent or where respondent is  
4 employed to practice medicine and on the Chief Executive Officer  
5 at every insurance carrier where malpractice insurance coverage  
6 is extended to respondent.

7           1.     EDUCATION COURSE.     Within ninety (90) days of the  
8 effective date of this decision, and on an annual basis  
9 thereafter, respondent shall submit to the Division or its  
10 designee for its prior approval an educational program or course  
11 to be designated by the Division, which shall not be less than 40  
12 hours per year, for the entire five (5) years of probation. This  
13 program shall be in addition to the Continuing Medical Education  
14 requirements for re-licensure. Following the completion of each  
15 course, the Division or its designee may administer an  
16 examination to test respondent's knowledge of the course.  
17 Respondent shall provide proof of attendance for 65 hours of  
18 continuing medical education of which 40 hours were in  
19 satisfaction of this condition and were approved in advance by  
20 the Division or its designee.

21           2.     SPECIAL PURPOSE EXAMINATION ("SPEX").     Respondent  
22 shall take and pass the Special Purpose Examination ("SPEX").  
23 Respondent shall not practice medicine until respondent has  
24 passed this examination and has been so notified by the Division  
25 or its designee. Respondent agrees that the Federation of State  
26 Medical Boards which administers the SPEX will make respondent's  
27 score(s) available to the Division or its designee. Respondent

1 shall pay any costs associated with this examination (s).

2 3. **OBEY ALL LAWS.** Respondent shall obey all federal,  
3 state and local laws, all rules governing the practice of  
4 medicine in California, and remain in full compliance with any  
5 court ordered criminal probation, payments and other orders.

6 4. **QUARTERLY REPORTS.** Respondent shall submit  
7 quarterly declarations under penalty of perjury on forms provided  
8 by the Division, stating whether there has been compliance with  
9 all the conditions of probation.

10 5. **PROBATION SURVEILLANCE PROGRAM COMPLIANCE.** Respondent  
11 shall comply with the Division's probation surveillance program.  
12 Respondent shall, at all times, keep the Division informed of his  
13 addresses of business and residence which shall both serve as  
14 addresses of record. Changes of such addresses shall be  
15 immediately communicated in writing to the Division. Under no  
16 circumstances shall a post office box serve as an address of  
17 record.

18 Respondent shall also immediately inform the Division,  
19 in writing, of any travel to any areas outside the jurisdiction  
20 of California which lasts, or is contemplated to last, more than  
21 thirty (30) days.

22 6. **INTERVIEW WITH THE DIVISION, ITS DESIGNEE OR ITS**  
23 **DESIGNATED PHYSICIAN(S).** Respondent shall appear in person for  
24 interviews with the Division, its designee or its designated  
25 physician(s) upon request at various intervals and with  
26 reasonable notice.

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1                   7.     **TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR IN-STATE NON-**  
2 **PRACTICE.**     In the event respondent should leave California to  
3 reside or to practice outside the State or for any reason should  
4 respondent stop practicing medicine in California, respondent  
5 shall notify the Division or its designee in writing within ten  
6 (10) days of the dates of departure and return or the dates of  
7 non-practice within California. Non-practice is defined as any  
8 period of time exceeding thirty days in which respondent is not  
9 engaging in any activities defined in Sections 2051 and 2052 of  
10 the Business and Professions Code. All time spent in an  
11 intensive training program approved by the Division or its  
12 designee shall be considered as time spent in the practice of  
13 medicine. Periods of temporary or permanent residence or  
14 practice outside California or of non-practice within California,  
15 as defined in this condition, will not apply to the reduction of  
16 the probationary period.

17                   8.     **VALID LICENSE STATUS.**     Respondent shall maintain a  
18 current and valid license for the length of the probation.  
19 Failure to maintain such license and to pay all fees shall  
20 constitute a violation of probation.

21                   9.     **COMPLETION OF PROBATION.**     Upon successful completion  
22 of probation, respondent's certificate shall be fully restored.

23                   10.    **VIOLATION OF PROBATION.**     If respondent violates  
24 probation in any respect, the Division, after giving respondent  
25 notice and the opportunity to be heard, may revoke probation and  
26 carry out the disciplinary order that was stayed. If an  
27 accusation or petition to revoke probation is filed against

1 respondent during probation, the Division shall have continuing  
2 jurisdiction until the matter is final, and the period of  
3 probation shall be extended until the matter is final.

4           11. **COST RECOVERY.** The respondent is hereby ordered  
5 to reimburse the Division the amount of \$400.00 within ninety  
6 (90) days of the effective date of this decision for its  
7 investigative and prosecution costs. Failure to reimburse the  
8 Division's cost of investigation and prosecution shall constitute  
9 a violation of the probation order, unless the Division agrees in  
10 writing to payment by an installment plan because of financial  
11 hardship. The filing of bankruptcy by the respondent shall not  
12 relieve the respondent of his responsibility to reimburse the  
13 Division for its investigative and prosecution costs. Periods of  
14 residence or practice outside California, whether the periods of  
15 residency or practice are temporary or permanent, will toll the  
16 probation period but will not toll the cost recovery requirement.

17           12. **PROBATION COSTS.** Respondent shall pay the costs  
18 associated with probation monitoring each and every year of  
19 probation, which are currently set at \$2,304, but may be adjusted  
20 on an annual basis. Such costs shall be payable to the Division  
21 of Medical Quality and delivered to the designated probation  
22 surveillance monitor at the beginning of each calendar year.  
23 Failure to pay costs within 30 days of the due date shall  
24 constitute a violation of probation.

25           13. **LICENSE SURRENDER.** Following the effective date of  
26 this decision, if respondent ceases practicing due to retirement,  
27 health reasons or is otherwise unable to satisfy the terms and



1 conditions of probation, respondent may voluntarily tender his  
2 certificate to the Board. The Division reserves the right to  
3 evaluate the respondent's request and to exercise its discretion  
4 whether to grant the request, or to take any other action deemed  
5 appropriate and reasonable under the circumstances. Upon formal  
6 acceptance of the tendered license, respondent will not longer be  
7 subject to the terms and conditions of probation.

#### 8 CONTINGENCY

9 This stipulation shall be subject to the approval of  
10 the Division. Respondent understands and agrees that Board staff  
11 and counsel for complainant may communicate directly with the  
12 Division regarding this stipulation and settlement, without  
13 notice to or participation by respondent or his counsel. If the  
14 Division fails to adopt this stipulation as its Order, the  
15 stipulation shall be of no force or effect, it shall be  
16 inadmissible in any legal action between the parties, and the  
17 Division shall not be disqualified from further action in this  
18 matter by virtue of its consideration of this stipulation.

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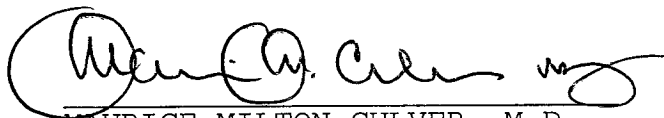
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ACCEPTANCE

I have read the above Stipulated Settlement and  
Disciplinary Order. I have understand the terms and conditions  
and other matters contained therein, and I understand the effect  
that this Stipulated Settlement and Disciplinary Order will have  
on my certificate, and agree to be bound thereby. I enter this  
stipulation freely, knowingly, intelligently and voluntarily.

DATED: 31 July 1998.



MAURICE MILTON CULVER, M.D.  
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary  
Order is hereby respectfully submitted for the consideration of  
the Division of Medical Quality, Medical Board of California,  
Department of Consumer Affairs.

DATED: Aug 10, 1998.

DANIEL E. LUNGREN, Attorney General  
of the State of California



GAIL M. HEPPEL  
Supervising Deputy Attorney General

Attorneys for Complainant

EXHIBIT

11/11/11

A

DANIEL E. LUNGREN, Attorney General  
of the State of California  
GAIL M. HEPPELL  
Supervising Deputy Attorney General  
1300 I Street, Suite 125  
P. O. Box 944255  
Sacramento, California 94244-2550  
Telephone: (916) 324-5336

Attorneys for Complainant

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO May 8 1998  
BY Hattie Johnson ANALYST

BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation	)	Case No. 16-97-79565
Against:	)	
	)	
MAURICE MILTON CULVER, M.D.,	)	
5608 Crest Creek Drive	)	ACCUSATION
Jacksonville, FL 32258	)	
	)	
California Physician's and Surgeon's	)	
Certificate No. GFE 53021	)	
	)	
Respondent.	)	

The Complainant alleges:

PARTIES

1. Complainant, Ronald Joseph, is the Executive Director of the Medical Board of California (hereinafter the "Board") and brings this accusation solely in his official capacity.

2. On or about July 16, 1984, Physician's and Surgeon's Certificate No. G 53021 was issued by the Board to

1 Maurice Milton Culver, M.D. (hereinafter "respondent"), and at  
2 all times relevant to the charges brought herein, this license  
3 has been in full force and effect. Said certificate is in  
4 Military Exempt Status with a new license number of GFE 53021.  
5 Said certificate is valid with an expiration date of December 31,  
6 1999.

### 7 JURISDICTION

8 3. This accusation is brought before the Division of  
9 Medical Quality of the Medical Board of California, Department of  
10 Consumer Affairs (hereinafter the "Division"), under the  
11 authority of the following sections of the California Business  
12 and Professions Code (hereinafter the "Code"):

13 A. Section 2227 of the Code provides:

14 "(a) A licensee whose matter has been heard by an  
15 administrative law judge of the Medical Quality Hearing  
16 Panel as designated in Section 11371 of the Government Code,  
17 or whose default has been entered, and who is found guilty  
18 may, in accordance with the provisions of this chapter:

19 "(1) Have his or her license revoked upon order of the  
20 division.

21 "(2) Have his or her right to practice suspended for a  
22 period not to exceed one year upon order of the division.

23 "(3) Be placed on probation and be required to pay the  
24 costs of probation monitoring upon order of the division.

25 "(4) Be publicly reprimanded by the division.

26 ///

27 ///

1           "(5) Have any other action taken in relation to  
2 discipline as the division or an administrative law judge  
3 may deem proper.

4           "(b) Any matter heard pursuant to subdivision (a),  
5 except for warning letters, medical review or advisory  
6 conferences, or other matters made confidential or  
7 privileged by existing law, is deemed public, and shall be  
8 made available to the public by the board."

9           C.    Section 125.3 of the Code provides, in part, that  
10 the Board may request the administrative law judge to direct  
11 any licensee found to have committed a violation or  
12 violations of the licensing act, to pay the Board a sum not  
13 to exceed the reasonable costs of the investigation and  
14 enforcement of the case.

15           D.    Section 118(b) of the Code provides, in part, that  
16 the expiration of a license shall not deprive the Board of  
17 jurisdiction to proceed with a disciplinary action during  
18 the time within which the license may be renewed, restored,  
19 or reinstated.

20           E.    Section 2428 of the Code provides, in part, that a  
21 license which has expired may be renewed any time within  
22 five years after expiration.

23           F.    Section 141 of the Code provides:

24           "(a) For any licensee holding a license issued by a  
25 board under the jurisdiction of the department, a  
26 disciplinary action taken by another state, by any agency of  
27 the federal government, or by another country for any act

1 substantially related to the practice regulated by the  
2 California license, may be a ground for disciplinary action  
3 by the respective state licensing board. A certified copy  
4 of the record of the disciplinary action taken against the  
5 licensee by another state, an agency of the federal  
6 government, or another country shall be conclusive evidence  
7 of the events related therein.

8 "(b) Nothing in this section shall preclude a board  
9 from applying a specific statutory provision in the  
10 licensing act administered by that board that provides for  
11 discipline based upon a disciplinary action taken against  
12 the licensee by another state, an agency of the federal  
13 government, or another country."

14 G. Section 16.01 of the 1997/1998 Budget Act of the  
15 State of California provides, in pertinent part, that: (a)  
16 no funds appropriated by this act may be expended to pay any  
17 Medi-Cal claim for any service performed by a physician  
18 while that physician's license is under suspension or  
19 revocation due to a disciplinary action of the Medical Board  
20 of California; and, (b) no funds appropriated by this act  
21 may be expended to pay any Medi-Cal claim for any surgical  
22 service or other invasive procedure performed on any Medi-  
23 Cal beneficiary by a physician if that physician has been  
24 placed on probation due to a disciplinary action of the  
25 Medical Board of California related to the performance of  
26 that specific service or procedure on any patient, except in  
27 any case where the board makes a determination during its

1 disciplinary process that there exist compelling  
2 circumstances that warrant continued Medi-Cal reimbursement  
3 during the probationary period.

4 **FIRST CAUSE FOR DISCIPLINE**

5 (Discipline, Restriction, or Limitation Imposed By Another State)

6 4. Respondent Maurice Milton Culver, M.D., is subject  
7 to disciplinary action under section 141 of the Business and  
8 Professions Code in that on or about August 25, 1997, the  
9 Department of the Navy, Commanding Officer, Naval Hospital,  
10 Jacksonville, Florida, imposed discipline upon respondent's  
11 license to practice medicine by limiting respondent's clinical  
12 privileges, removing his surgical pathology privileges and  
13 reinstating all other core pathology privileges. Respondent's  
14 staff appointment remained intact.

15 Additionally, respondent was ordered to undergo a  
16 period of review in training in surgical pathology for twelve  
17 (12) months, such training to be completed at the Naval Hospital  
18 Jacksonville, Florida. Upon completion of the twelve (12) month  
19 training, respondent was required to reapply and meet all  
20 established criteria. The circumstances are as follows:

21 A. The panel found that respondent was impaired in  
22 knowledge and judgment in surgical pathology only,  
23 especially the areas of OB/GYN, breast, and  
24 dermatopathology. No impairment was found in clinical  
25 pathology, cytopathology, blood banking, autopsy pathology,  
26 or other areas of pathology.

27 ///



B. The panel further found that respondent misdiagnosed and insufficiently processed numerous cases which were significantly outside the standard of care.

Attached as Exhibit A and incorporated herein by reference is a true and correct copy of the Peer Review Panel Hearing Report and Transcript.

## PRAYER

WHEREFORE, the complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Division issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number GFE 53021, heretofore issued to respondent Maurice Milton Culver, M.D.;

2. Revoking, suspending or denying approval of the respondent's authority to supervise physician's assistants, pursuant to Business and Professions Code section 3527;

3. Ordering respondent to pay the Division the actual and reasonable costs of the investigation and enforcement of this case and to pay the costs of probation monitoring upon order of the Division; and

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1                   4.    Taking such other and further action as the  
2 Division deems necessary and proper.

3 DATED:    May 8, 1998

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\_\_\_\_\_  
RONALD JOSEPH  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
  
Complainant

EXHIBIT

TABLER





DEPARTMENT OF THE NAVY

BUREAU OF MEDICINE AND SURGERY  
2300 E STREET NW  
WASHINGTON DC 20372-5300

IN REPLY REFER TO

6320/C97-025  
Ser 03LS/0126  
19 Nov 97

Hattie Johnson  
Enforcement Analyst  
Medical Board of California  
Discipline Coordination Unit  
1426 Howe Avenue, Suite 93  
Sacramento, CA 95825-3236

Dear Ms. Johnson:

This responds to your request for information concerning Commander Maurice M. Culver, Medical Corps, U.S. Navy. These documents are part of the Navy's Medical Quality Assurance program and under the provisions of 10 U.S.C. § 1102, may only be disclosed and utilized for that purpose. As required by that statute, information concerning individuals other than the provider has been deleted.

As this command does not hold the originals of the requested documents, we cannot provide certified copies. However, the copies provided to you are true copies of those in our file and generated and used in the normal course of our business. They are considered to be accurate and complete reproductions of the original documents.

Point of contact is Diana J. Rodrigue (MED-03LS) at (202) 762-3093.

Sincerely,

J. B. NORMAN  
Commander, Judge Advocate  
General's Corps  
United States Navy  
Director, Medico-Legal  
Affairs Division  
By direction of the Chief,  
Bureau of Medicine and Surgery

RECEIVED  
MEDICAL BOARD OF CALIF.  
97 DEC - 1 AM 10:22  
CENTRAL COMPLAINT UNIT



DEPARTMENT OF THE NAVY

NAVAL HOSPITAL  
2080 CHILD STREET  
JACKSONVILLE, FLORIDA 32214-5000

IN REPLY REFER TO:

6320  
Ser 0008/ 5496  
25 Sep 97

From: Commanding Officer, Naval Hospital, Jacksonville

To: CDR Maurice M. Culver, USN, [REDACTED]/2100

Subj: FINAL DECISION ICO PEER REVIEW HEARING

Ref: (a) BUMEDINST 6320.67

(b) Peer Review Panel Hearing Report and Verbatim  
Transcript of 04 Aug 97

Encl: (1) Receipt of Acknowledgment

1. Pursuant to reference (a), a Peer Review Panel Hearing was convened 16 July 1997. I have reviewed the Peer Review Panel's findings, conclusions, and recommendations as outlined in reference (b). I concur with the recommendations.

2. Therefore, effective 25 August 1997, I am limiting your clinical privileges, removing your surgical pathology privileges and reinstating all other core pathology privileges. Your staff appointment remains intact.

3. You will undergo a period of review and training in surgical pathology for the next twelve (12) months. This training will be completed at Naval Hospital Jacksonville, Florida. If you wish to obtain surgical pathology privileges upon successful completion of the twelve (12) month training you must reapply and meet all established criteria.

4. This is a final decision. You may, however, appeal this decision to the Chief, Bureau of Medicine and Surgery (MED-36). The appeal must be submitted, in writing, via the Commanding Officer, Naval Hospital Jacksonville, Florida, within fourteen (14) days of your receipt of this decision.

5. Point of contact for discussion with this case is LT [REDACTED], JAGC, USNR, Command Judge Advocate at [REDACTED]

[REDACTED]  
Acting

Copy to:  
[REDACTED]

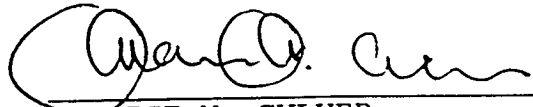
C94-025


RECEIPT OF ACKNOWLEDGMENT

I hereby acknowledge receipt of CO, NAVHOSPJAX ltr 6320 Ser 0008/  
5496 of 25 September, 1997.

9-25-97

Date



MAURICE M. CULVER  
CDR, MC, USN  


Encl (1)

6320  
Ser 0008  
4 Aug 97

From: Chairman, Peer Review Panel  
To: Commanding Officer, Naval Hospital Jacksonville  
Subj: PEER REVIEW PANEL HEARING IN THE CASE OF CDR MAURICE M. CULVER, MC, USN, [REDACTED]  
Ref: (a) SECNAVINST 6320.23  
(b) BUMEDINST 6320.67  
(c) Your ltr of 16 Jun 97

- Encl: (1) Transcript of Peer Review Panel Hearing with exhibits
1. On 16 July 1997, per the provisions of references (a) through (b), a peer review panel met as directed by reference (c).
  2. The allegation that was addressed during this Peer Review Panel is as follows:

In that CDR Maurice Culver at Naval Hospital Jacksonville who is alleged to be professionally impaired in connection with a deficit in medical knowledge or judgment in his specialty of pathology in that on numerous occasions between 1992 and 1995, while stationed at Naval Hospital Camp Lejeune, CDR Culver failed to properly evaluate and recognize cases of malignancy.

#### PRELIMINARY STATEMENT

The panel agreed unanimously that the inclusion of a board certified pathologist would have been beneficial to the panel. The panel felt that the absence of such a specialist prolonged the interviews of witnesses and certainly delayed the satisfactory conclusion of panel member discussion.

#### FINDINGS

1. The allegation that CDR Maurice Culver was professionally impaired in connection with a deficit in medical knowledge/judgment is true, but only as it pertains to the area of pathology known as "surgical pathology". No confirmation of any other impairment was found.
2. Drawing from the memoranda of CDR [REDACTED] and CAPT [REDACTED] and review of LTCOL [REDACTED], there are numerous cases which were misdiagnosed and insufficiently processed; some of these were significantly outside the standard of care. These cases have been well delineated in the enclosures within the command investigation of 4 March 1997.

Subj: PEER REVIEW PANEL HEARING IN THE CASE OF CDR MAURICE M. CULVER, MC, USN, [REDACTED]

3. A note of caution must be made: there are cases listed as discrepancies which the panel feels strongly were wrongly included. These are cases which CDR Culver had previously sent to the AFIP for consultation. Sending a case to another pathologist or to the AFIP is a normal consultative process; it is not necessary that the referring pathologist have the correct diagnosis before sending off the case for a second opinion. If we expect physicians to be correct all the time, what is the consultative process for? These are cases in which Dr. Culver recognized his uncertainty and dealt with it in an appropriate manner. To penalize a physician for saying "I don't know; I need help" is nothing short of criminal.

#### CONCLUSIONS

The panel finds CDR Maurice M. Culver, MC, USN, [REDACTED], impaired in knowledge and judgment in surgical pathology only, especially the areas of OB/GYN, breast, and dermatopathology. We feel that this is a correctable deficit and that CDR Culver is strongly motivated to remedy his deficiencies. No impairment is found in clinical pathology, cytopathology, blood banking, autopsy pathology, or other areas of pathology core privileges not listed above.

#### RECOMMENDATIONS

1. The panel recommends that CDR Culver's surgical pathology privileges be suspended for at least one year, that he undergo a review program, and that at the end of that period his overall performance be evaluated for possible change in privilege status.
2. We have specific recommendations for the detailed review program outlined by the Department of Pathology. To wit: we would require objective, measurable indices of improvement. As CDR Culver would be under 100% case review, we would require that he enter a diagnosis for each case independently, in a written log book, before he consults with his mentor. We would also require a decision on his part as to whether or not he would send this case to AFIP or consult with another pathologist, were he practicing independently. A simple yes/no would suffice.
3. We would require that the mentoring physicians enter the diagnosis reached in the log also, noting any variance, and if so, noting what action is planned to correct the variance.
4. We would require that the log books be audited monthly, and a quarterly report drafted with the percentage of correct diagnoses, the percentage of correct decisions to refer for second opinion, and any changes in plans to improve CDR Culver's performance. At one year, we would expect that CDR Culver's performance would have measurably improved; if he has



demonstrated improvement sufficient to consider recredentialling, we would recommend that. If he has not improved sufficiently to merit restoration of privileges, we would recommend re-evaluation of the review process and any expected benefits. If CDR Culver does not improve, we could not recommend restoration of CDR Culver's privileges.

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